

# Exhibit 6



**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

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IN RE PHARMACEUTICAL INDUSTRY	)	
AVERAGE WHOLESALE PRICE LITIGATION	)	
	)	
The State Of Iowa	)	MDL NO. 1456
v.	)	Civil Action No. 01-12257-PBS
Abbott Laboratories, Inc., <i>et al.</i>	)	Sub-Category Case No. 07-12141-PBS
	)	
	)	Judge Patti B. Saris
	)	
	)	
	)	
	)	
	)	

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**STATE OF IOWA'S SUPPLEMENTAL  
RESPONSES TO DEFENDANTS TEVA PHARMACEUTICALS  
USA, INC. AND NOVOPHARM USA, INC.'S FIRST SET OF  
REQUESTS FOR PRODUCTION AND INTERROGATORIES**

Pursuant to the Federal Rules of Civil Procedure, the Local Rules of the United States District Court of Massachusetts and the relevant case management order, following a meet and confer with Joint Defendants' counsel on September 23, 2009, memorialized by letters on September 25, 2009 and September 30, 2009, plaintiff the State of Iowa (hereinafter "plaintiff" or "Iowa") supplements its responses to certain Requests for Production and Interrogatories by Defendants Teva Pharmaceuticals USA, Inc. and Novopharm USA, Inc.'s (hereinafter "Teva"). The State's original responses were served on Teva on March 30, 2009. Responses to Requests for Production and Interrogatories which are not being supplemented are not repeated here.

### **GENERAL AND SPECIFIC OBJECTIONS**

The State adopts and incorporates the General and Specific Objections set forth in its previous responses to Teva's First Set of Requests for Production and Interrogatories as if set forth fully here.

### **SUPPLEMENTAL RESPONSES IN GENERAL**

Plaintiff is re-evaluating certain of its privilege-based objections to Teva's requests for production and supplementing its production accordingly.

Subject to and without waiver of any general or specific objections, Plaintiff agrees to produce responsive and non-privileged materials concerning Iowa Medicaid whether or not such materials are related to drugs at issue and relevant Medicaid providers.

### **RESPONSES TO SPECIFIC REQUESTS FOR DOCUMENTS**

#### **REQUEST FOR PRODUCTION NO. 4**

**All Documents concerning any requests by You for information concerning price, costs, or reimbursement for any of the Teva Subject Drugs, including but not limited to any responses to such requests, contracts, memoranda of understanding, agreements, Provider contracts, or Communications concerning the calculation, monitoring, tracking, processing, or payment of claims for any of the Teva Subject Drugs.**

Without waiver of any of its general or specific objections, plaintiff supplements its original response as follows: plaintiff has already produced Iowa claims data for all drugs at issue in this litigation and this production satisfies much of what Teva seeks in this Request. Furthermore, Iowa has made available materials from Iowa Medicaid's fiscal agents from 1992-2005. Beyond that, Iowa will supplement to include additional responsive non-privileged

materials concerning Iowa Medicaid reimbursement for the Teva subject drugs from 1992-2005 to the extent they exist and have not already been made available or produced.

#### **REQUEST FOR PRODUCTION NO. 5**

**Documents showing any MAC or FUL available for each of the Teva Subject Drugs, including the period of time during which it was in effect.**

Without waiver of any of its general or specific objections, plaintiff supplements its original response as follows: plaintiff will produce a SMAC list from the date of inception of the program through the end of the relevant time period, January 13, 2003 – December 31, 2005. Beyond that, information about which Teva drugs were on a FUL at any given time is publicly available and Teva may obtain it as easily as Iowa.

#### **REQUEST FOR PRODUCTION NO. 7**

**All Documents constituting, concerning or relating to Your deliberation and/or decision to request or not to request AMP data for its Subject Drugs, including all documents containing any AMP data for any Subject Drug and all documents concerning the calculation of an AMP from a URA.**

Plaintiffs stands by its original objections and response to this interrogatory.

#### **REQUEST FOR PRODUCTION NO. 9**

**All Documents, including communications, memoranda (internal and external), or analyses, concerning Medicaid Rebates for the Teva Subject Drugs, including but not limited to the following:**

- (a) URA transactional data for the Teva Subject Drugs, whether received from CMS, HCFA or any other entity;**
- (b) Your claims for rebates for the Teva Subject Drugs;**
- (c) All communications between You and Teva concerning rebates on its Subject Drugs;**

**(d) Your calculation of claims for Medicaid Rebates for the Teva Subject Drugs;**

**(e) Documents reflecting rebates paid to You by Teva; and,**

**(f) Invoices for Medicaid Rebates sent to Teva for its Subject Drugs.**

Without waiver of any of its general or specific objections, plaintiff supplements its original response as follows: plaintiff has made available materials from Iowa Medicaid's fiscal agents from 1992-2005. Plaintiff will produce additional non-public, non-privileged documents responsive to this request from 1992-2005 to the extent they exist and have not already been made available or produced.

#### **REQUEST FOR PRODUCTION NO. 12**

**All Documents concerning Federal Supply Schedule or Veterans' Affairs pricing for Teva Subject Drugs.**

Without waiver of any of its general or specific objections, plaintiff supplements its original response as follows and consistent with agreement with Counsel for Teva Greg J. Wright, Business Manager, Business Office, Iowa Veterans Home, 1301 Summit St., Marshalltown, IA 50158, would be the appropriate custodian of documents responsive to this request. Providing this information shall not be construed as as a waiver of any objections and is in no way intended to imply that plaintiff will produce responsive documents .

#### **REQUEST FOR PRODUCTION NO. 18**

**All documents concerning or referring to Suggested Wholesale Price or SWP for any Teva Subject Drug.**

Without waiver of any of its general or specific objections, plaintiff supplements its original response as follows: plaintiff will produce non-public, non-privileged documents from

1992-2005 relating to the Iowa's understanding of Teva's intentions when it began to report Suggested Wholesale Price instead of Average Wholesale Price to the extent they exist and have not already been produced.

**REQUEST FOR PRODUCTION NO. 23**

**All documents concerning actual or proposed supplemental rebates relating to any Teva Subject Drug, including but not limited to any discussions or analyses performed by You or on Your behalf concerning a request or solicitation or supplemental rebates, or implementation of any supplemental rebate program relating to Teva Subject Drugs.**

Without waiver of any of its general or specific objections, plaintiff supplements its original response as follows: plaintiff has made available materials from Iowa Medicaid's fiscal agents from 1992-2005. Plaintiff will produce additional non-burdensome, non-public, non-privileged documents responsive to this request from 1992-2005 to the extent they exist and have not already been made available or produced.

**SUPPLEMENTAL RESPONSES TO SPECIFIC INTERROGATORIES**

**INTERROGATORY NO. 3:**

**Identify each person currently or formerly employed by the State of Iowa You allege was misled by Teva with respect to the actual prices of the Teva Subject Drugs and the manner in which they were misled.**

**RESPONSE:**

Plaintiff stands by its original response to this Interrogatory.

**INTERROGATORY NO. 5:**

**Describe each and every step taken by You prior to and after the filing of the Complaint to ensure that you paid providers no more than their actual acquisition costs for the Teva Subject Drugs.**

**RESPONSE:**

Plaintiff stands by its original response to this Interrogatory.

Dated: October 16, 2009

Respectfully submitted,

TOM MILLER  
ATTORNEY GENERAL FOR  
THE STATE OF IOWA

By: /s/ Joanne M. Cicala  
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CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that on the 16th day of October, 2009, she caused a true and correct copy of the State of Iowa's Supplemental [Objections and] Responses to Defendants Teva Pharmaceuticals USA, Inc. and Novopharm USA, Inc.'s First Set of Requests for Production and Interrogatories to be delivered to counsel of record for defendants by electronic service pursuant to Case Management Order No. 2 entered by the Honorable Patti B. Saris in MDL No. 1456.

/s/ Kathryn B. Allen  
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